

ARTICLE IX OF THE TIVERTON SEWER ORDINANCE
ONSITE WASTEWATER MANAGEMENT (OWM)
Revised June 2006

SEC. 18-58 AUTHORITY

This ordinance has been drafted in accordance with and under the authority of the State of Rhode Island General Laws, Title 45, Chapter 24.5 of the General Laws entitled "Towns and Cities Wastewater Management Districts". The authorizing State chapter shall be known and cited as the "Rhode Island Septic System Maintenance Act of 1987". Nothing in this act replaces or precludes any obligation of the owner to notify the RI Department of Environmental Management, the RI Department of Health, the Coastal Resources Management Council, or their successors of septic system failures.

SEC. 18-59 PURPOSE AND JURISDICTION

18-59.01 Purpose: The Town Council hereby finds that onsite wastewater treatment systems are prone to failure with age, out-moded design, overuse, or improper installation, repair and maintenance. Septic system failure poses a risk to public health and is a source of contamination to surface and groundwater. The purpose of this ordinance is to establish an Onsite Wastewater Management District (OWMD) consistent with the Tiverton Comprehensive Plan and the Tiverton Onsite Wastewater Management Plan. Within this district all onsite wastewater treatment systems in Tiverton shall be properly operated, regularly inspected, and routinely maintained in order to prevent system malfunction and insure maximum system longevity. This ordinance also recognizes the property owner's responsibility to ensure that their system is well maintained and properly functioning.

18-59.02 Jurisdiction: Under this ordinance the Tiverton Wastewater Collection Superintendent shall have jurisdiction to ensure the operation and maintenance of all existing and future onsite wastewater treatment systems in Tiverton.

SEC. 18-60 FINDINGS

18-60.01 The Tiverton Town Council hereby finds the following evidence in support of the establishment of an Onsite Wastewater Management District. The Tiverton Comprehensive Plan recognizes septic systems as a source of ground and surface water contamination in the Town, and states that the "Town *shall* adopt a town-wide Wastewater Management District. All documentation and findings included in the Tiverton Onsite Wastewater Management Plan are incorporated herein by reference:

- a) Both now and in the future most of Tiverton's geographical area will rely on onsite wastewater treatment systems (OWTS or septic systems). Sewers will be available only in certain portions of northern Tiverton typically characterized by small lots, high density and slowly percolating soils.
- b) Water treated at the sewer plant is not available to recharge local aquifers, which could potentially diminish water supply in local wells.
- c) The report *Limnological Investigation of Stafford Pond* (1997) recommends the establishment of a septic system maintenance and management program for Stafford Pond.
- d) The Comprehensive Plan states that the construction and maintenance of effective septic systems is a major concern of the Town especially in the Stafford and Nonquit Pond watersheds. The Comprehensive Plan also recommends that the Town review, amend and reinforce regulations concerning the construction and maintenance of septic systems.
- e) Tiverton's ground and surface waters are important natural and recreational resources that are vital to the Town's economic, environmental and public health.

- f) In some areas of Town, slowly permeable soils, high watertables and improperly designed, installed and maintained, OWTS result in surface breakouts of sewage and threaten public health and the quality of receiving surface waters.
- g) Many of the onsite wastewater treatment systems in Town are cesspools or other substandard systems. Some were initially designed for smaller homes that were subsequently expanded and converted to year round use, without the necessary improvements to the system.

SEC. 18-61 ONSITE WASTEWATER MANAGEMENT DISTRICT DEFINITIONS

18-61.01 District Definition: The Onsite Wastewater District shall include the entire Town of Tiverton.

18-61.02 Other Definitions: Any term not defined herein shall be governed by the definition as it appears in the current RIDEM Rules and Regulations Establishing Minimum Standards Relating to the Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems (hereinafter RIDEM ISDS Regulations). Any term not defined therein shall be governed by the definition as it appears in the Tiverton Zoning Ordinance or the Tiverton Sewer Ordinance as appropriate.

18-61.03 Access Riser: A structurally sound and water tight inspection port or manhole, which at its lowest point attaches to a septic tank or other component of an OWTS and extends upward to the ground's surface, allowing visual inspection and where necessary physical access to the OWTS for the purposes of maintenance and repair.

18-61.04 Contaminant: Any physical, chemical, biological or radiological substance which enters the hydrological cycle through human action and may cause a deleterious effect on ground and/or surface water resources; it shall include but not be limited to hazardous waste, nutrients, pathogens and sanitary sewage.

18-61.05 RIDEM: RIDEM is defined as the State of Rhode Island, Department of Environmental Management or its successor organization.

18-61.06 Effluent: Sewage, water or other liquid, partially or completely treated or in its natural state, flowing out of any component of an OWTS or flowing over the ground's surface or beneath the ground in groundwater.

18-61.07 Enhanced Treatment Systems: Onsite wastewater treatment that uses advanced treatment technologies, which provide for enhanced removal of one or more contaminants (e.g. nutrients, microorganisms, BOD, TSS) as compared to conventional septic systems.

18-61.08 Handbook: The Rhode Island Department of Environmental Management's *Septic System Check-Up: The Rhode Island Handbook for Inspection* as may be amended from time to time.

18-61.09 Hazardous Waste: (1) Wastes which include, but are not limited to, those which are toxic, corrosive, flammable, or reactive; and/or (2) Wastes as defined in the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) US Code: Title 42, Chapter 103 and the RI Hazardous Waste Management Act, Section 23-19.14 or in any regulation or amendment adopted pursuant thereto: and/or as defined under section 3.25 of the RI Department of Environmental Management "Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal."

18-61.10 OWTS Inspections: The following two types of inspections are required by this ordinance.

- a) *First Maintenance (Baseline) Inspection:* The initial inspection performed on an OWTS and site to gather baseline information. The tank is usually pumped as part of this inspection to better evaluate the existing condition of the

system. First Maintenance Inspections involve the location of system components and more detailed data gathering that is not usually necessary for subsequent routine inspections.

- b) *Routine Maintenance Inspection:* An inspection of an OWTS and system site to determine the need for pumping, establish future inspection schedules and to assess whether any repairs are necessary.

18-61.11 Maintenance: The periodic cleaning of any leaching chamber, cesspool, septic tank, building sewer, distribution lines, or any other component of an OWTS for the purpose of removing any accumulated liquid scum and/or sludge. The term "maintenance" shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.

18.61.12 Notice of Noncompliance: A notice sent by certified mail and issued by the Wastewater Collection Superintendent his/her designee, to an owner of an OWTS for failure to comply with the provisions of this ordinance.

18.61.13 Notice of Violation: A notice sent by certified mail and issued by the Wastewater Collection Superintendent his/her designee, to an owner of an OWTS for failure to comply with the requirements of a Notice of Non-Compliance.

18-61.14 Onsite Wastewater Management Program (OWMP): A town-wide program of various zoning and subdivision regulations, ordinances, educational programs, management practices and financial incentives that are designed to help protect the integrity of Tiverton's ground and surface water through the proper management design, siting, maintenance and installation of OWTS.

18-61.15 Onsite Wastewater Treatment System (OWTS): Synonymous with ISDS as defined in the RIDEM ISDS Regulations.

18-61.16 Package Treatment Plant: A modular treatment facility of State approved design and construction. For purposes of the Onsite Wastewater Management Ordinance, package treatment plants are considered OWTS.

ALREADY IN EXISTING SEWER USE ORDINANCE (SUO)

ALREADY IN EXISTING SUO

18-61.19 Wellhead Protection Area: The critical portion of a three dimensional zone surrounding a public well or well field, through which water will move towards and reach such well or well field as designated by the Director of RIDEM or as adopted by the Town.

SEC. 18-62 THE AND PROGRAM ADMINISTRATION

18-62.01 Power and Duties:

- a) Wastewater Collection Superintendent: It shall be the duty of the Tiverton Wastewater Collection Superintendent or his/her designee to:
1. Supervise the administration of a program of surface water and groundwater protection through maintenance and inspection of OWTS as authorized by this ordinance and Title 45, chapter 24.5 of the Rhode Island General Laws.
 2. Serve as enforcement officer pursuant to the authority granted under Section 8 herein, as well as the authority to levy fines for violations of this ordinance.
 3. Contract for services with septic system inspectors, installers, maintenance providers and others as necessary.
 4. Order the maintenance of onsite wastewater treatment systems based upon inspection results.
 5. Provide technical assistance to property owners on all matters pertaining to maintenance, repair, upgrade and replacement of onsite wastewater treatment systems.
 6. Oversee the implementation of the Onsite Wastewater Management Plan.
 7. Maintain inspection, maintenance and upgrades records for septic systems.

8. Provide guidance in the implementation of the Onsite Wastewater Management Program and associated grant and loan programs
- b) Wastewater Management Commission: It shall be the duty of the Wastewater Management Commission to:
 1. Recommend rules and regulations for the implementation of this ordinance for approval by the Town Council with or without amendment.
 2. Render advisory opinions regarding the requirements of this ordinance and advise the Zoning Board and Planning Board on issues and applications involving septic systems.
 3. Work with the Conservation Commission to establish an onsite wastewater education program.
 4. Hear appeals to amend inspection and maintenance schedules pursuant to Section 18-67.
- c) It shall be the duty of the tax collector to collect any fees and fines relative to properties regulated under this ordinance.

18-62.02 Administration and Procedures:

- a) The Tiverton Wastewater Collection Superintendent or his/her designee shall administer the Onsite Wastewater Management Program.
- b) The Wastewater Collection Superintendent shall prepare annual reports regarding program implementation including progress and any problematic situations. The report shall be submitted to the Town Administrator and shall include such items as the status of any associated grants, consent agreements, notice of violations, number of inspections, number of retrofits, septic system repairs, and other pertinent information.

18-62.03 Location, Setbacks, and Need for Enhanced Wastewater Treatment:

Location of onsite wastewater treatment systems, setbacks from sensitive resources, performance standards for various resource areas and requirements for enhanced onsite wastewater treatment are governed by the Tiverton Zoning Ordinance.

SEC. 18-63 EDUCATION PROGRAM AND PHASED IMPLEMENTATION

18-63.01 Establishment of a Public Education Program: The Wastewater Collection Superintendent in cooperation with the Conservation Commission shall develop and oversee an annual education strategy designed to facilitate the effective implementation of the Onsite Wastewater Management Plan, the Onsite Wastewater Management Ordinance and related zoning and subdivision regulations. The education plan will be on file with the Wastewater Collection Superintendent. The plan shall be updated by November 30th each year for implementation the following fiscal year. The educational program for any given year may include, but is not be limited to the following:

- a) Need, benefits and goals of onsite wastewater management
- b) Proper inspection, operation and maintenance of OWTS.
- c) Operation and management framework of the program.
- d) Proper disposal of hazardous waste, including household hazardous waste.
- e) Water conservation.
- f) Protection of sensitive resources.
- g) Use of environmentally sensitive cleaning products.
- h) Use of alternative and innovative septic systems and associated technologies.
- i) Costs of program and availability of financial assistance.
- j) Informing designers, installers, and inspectors of specific Tiverton requirement.

18-63.02 Technical Assistance: All persons applying to RIDEM for new OWTS installations, repairs or alterations shall meet with the Wastewater Collection Superintendent or his/her designee prior to be system design in order to ensure that the design is consistent with Town policy regarding treatment standards, which may be more stringent than RIDEM'S.

18-63.03 Phased Implementation: The implementation of this ordinance and the timing of the First Maintenance Inspection shall be phased in accordance with a the schedule below, as approved by the Town Council. In order of implementation, the five phased areas, as shown on the Onsite Wastewater Management Implementation Map, shall be as follows:

- a) Stafford Pond Watershed – Upon adoption of this ordinance
- b) Nanaquaket Pond Watershed – July 1, 2008
- c) Nonquit Pond Watershed – July 1, 2010
- d) Sakonnet Waterfront – July 1, 2012
- e) Remainder of Town – July 1, 2014

SEC. 18-64 OWTS INSPECTION AND MAINTENANCE

18-64.01 OWTS Inspections: The purpose of OWTS inspections is to assess the current condition of the OWTS in order to determine a) what maintenance is required, b) when the maintenance should be undertaken c) the date of the next inspection and d) the need for system upgrade or replacement. Maintenance requirements shall be based upon inspection results. Information from the inspections will also be used to complete a town-wide OWTS inventory and to track system inspections, maintenance and upgrades. All inspections shall follow the criteria and procedures outlined in The Rhode Island Department of Environmental Management's *Septic System Check-Up: The Rhode Island Handbook for Inspection* (hereinafter referred to as "*The Handbook*").

18-64.02 Inspection Types: The following two types of inspections shall be required: a) First Maintenance (Baseline) Inspection, and b) Routine Maintenance Inspection

- a) A First Maintenance (Baseline) Inspection of each OWTS in Town shall be conducted in order to obtain baseline information and to determine a routine maintenance schedule and potential upgrade requirements. The septic tank shall be pumped as part of this inspection to better evaluate the condition of the system. First Maintenance inspections shall also involve data gathering and location of system components.
- b) Routine Maintenance Inspections are generally conducted after the First Maintenance (Baseline) Inspection and may occur between septic tank pump-outs. The frequency of Routine Maintenance Inspections shall be determined by the conditions found at the First Maintenance (Baseline) inspection or during subsequent Routine Maintenance Inspections. Routine Maintenance Inspections for any given OWTS may be limited to sludge and scum measurements within a septic tank, or may include inspection and/or testing of components as recommended by the inspector or the Wastewater Collection Superintendent.

18-64.03 Who May Inspect: All OWTS shall be subject to inspections by private, town-approved inspectors. In order for an inspector to be approved by the Town, he/she must satisfactorily complete a course, approved by the Town in a methodology consistent with use of *The Handbook*. The Wastewater Collection Superintendent shall maintain a list of approved inspectors and make such list available to property owners for the purpose of arranging the inspection of their own OWTS.

18-64.04 Inspection Frequency and Notification: The Wastewater Collection Superintendent shall send written notice to OWTS owners of the need to schedule the First Maintenance Inspection as well as subsequent Routine Maintenance Inspections of their septic system. The owner must complete an inspection with an approved inspector within forty-five

days of the date of notice. In general, inspection frequency for Routine Maintenance Inspections shall be based on the results of the First Maintenance (Baseline) Inspection, subsequent Routine Maintenance Inspections and procedures outlined in The Handbook. These include, but are not limited to, system age, household occupancy, tank size, sludge and scum measurements and when the system was last pumped. After a system has been inspected the owner shall receive notification of the maintenance requirements and the timeframe for the next inspection. The Wastewater Collection Superintendent shall send a reminder notice to the owner as the date of the next Routine Maintenance Inspection approaches.

18-64.05 Inspection Reports: Standard inspection forms shall be those approved by the Collection Superintendent. These forms may be modified by the Wastewater Collection Superintendent as needed to meet the technical and administrative needs of the program. The property owner shall provide the inspector with any available pertinent information, including but not limited to, the use, age, location, maintenance history and design of the system. The completed inspection report shall detail the results of the inspection, pumping or other maintenance requirements (if applicable), the timeframe for the next inspection and/or upgrade requirements for the OWTS. The inspector shall give the property owner and the Wastewater Collection Superintendent an inspection report that details the OWTS condition, components, required maintenance and the date of the next Routine Maintenance Inspection. The Wastewater Collection Superintendent or his/her designee shall be responsible for maintaining the inspection, maintenance and upgrade records.

18-64.06 OWTS Maintenance and Owner's Responsibility: The OWTS owner(s) shall assume all responsibility for hiring a septage hauler or maintenance contractor to complete the maintenance and inspection requirements contained in the OWTS inspection report within the time frame required. As proof of compliance, the property owner shall submit a receipt for pumping and other system maintenance to the Wastewater Collection Superintendent within thirty (30) days of the date stipulated in the OWTS inspection report.

18-64.07 Change in Inspection or Maintenance Schedule: The Wastewater Collection Superintendent, upon written notification to the property owner and the appropriate OWTS inspector, may change the inspection schedule and/or maintenance requirements of an OWTS, where such a change is deemed necessary for the proper functioning of the OWTS. Reasons for a schedule change, include but are not limited to, change in household occupancy, seasonal use, rental status, water consumption, system functioning, site characteristics and proximity to sensitive resources such as water supplies, poor soils, and coastal and freshwater wetlands. Likewise, the property owner(s) may petition the Wastewater Collection Superintendent to alter the inspection and/or maintenance schedule. The owner must demonstrate, to the satisfaction of the Wastewater Collection Superintendent through the use of appropriate site data and household information that such a change in the requirements would still ensure the proper operation of the OWTS and not impair the intent of this ordinance.

18-64.08 Immediate Need to Pump: In the event of a system failure or malfunction where there is an immediate need to PUMP that poses a public health or environmental hazard, the inspector shall immediately notify the property owner and the Wastewater Collection Superintendent. The Wastewater Collection Superintendent shall immediately serve upon the owner a notice and order directing the owner to immediately pump the system and to present evidence of pumping to the Wastewater Collection Superintendent. Such evidence may be in the form of a receipt from an approved septage hauler. Failure to comply with this administrative order shall constitute a violation under this ordinance.

18-64.09 Failed OWTS: If an inspection reveals a failed OWTS, the Town-approved inspector shall immediately notify the Wastewater Collection Superintendent and the OWTS owner and send a copy of the inspection report to both parties. Where pumping records may indicate a failed system, the Wastewater Collection Superintendent shall notify the owner in writing. Technologies selected to replace or repair failed systems shall be consistent with State regulations and Town ordinances regarding treatment standards. At the owner's request, and in order to facilitate the septic system repair application with RIDEM, the Wastewater Collection Superintendent or his/her designee shall meet with the owner to provide technical and administrative assistance regarding repairs. Such assistance shall be designed to help the owner through the application process, to understand technical issues and appropriate system choices and to solve the problem in a fair and expeditious manner. It does not relieve the owners responsibility to hire needed professional assistance.

18-64.10 Notification of Failed System: The Wastewater Collection Superintendent shall give the owner of a failed system a written notice of noncompliance to repair the system. A copy of said notice shall also be sent to the Department of Environmental Management. The owner shall be given thirty (30) days to contact RIDEM and apply for a permit to repair or replace the system as necessary. The Wastewater Collection Superintendent may require immediate remedial action to protect public health. A copy of the application to RIDEM shall be provided to the Wastewater Collection Superintendent. Notification of RIDEM by the Wastewater Collection Superintendent does not relieve the owner of their obligation to notify RIDEM. The property owner shall notify the, Wastewater Collection Superintendent as to the expected timetable for repairs to be completed

SEC.18-65 MISCELLANEOUS REGULATIONS FOR OWTS OPERATION, AND MAINTENANCE

18-65.01 Septage Disposal: Septage or contents pumped from an OWTS shall be discharged at the Fall River Wastewater Treatment Facility or other State-approved septage receiving facility.

18-65.02 Septic Tank Additives and Improper Discharges to OWTS: The use of septic tank additives shall follow RIDEM's policy, which prohibits the use of chemical additives. There is no evidence that biological additives provide any benefit to the functioning and maintenance of an OWTS. The use of biological additives does not relieve a property owner from the obligations of this ordinance. The disposal of hazardous wastes, to an OWTS is prohibited. There shall be no discharge of rainspouts, basement sumps, floor drains, or any other drains, other than those carrying household wastewater, to an OWTS.

18-65.03 Accessibility, Effluent Filters and Inspection Ports: All tanks installed, repaired, upgraded or altered after the effective date of this ordinance, shall be equipped with access risers to grade located at the inlet and outlet ends of the septic tank. Effluent filters are recommended at the outlet end of the tank. These measures will help locate the system, facing the inspection and pumping of a septic tank and ultimately the longevity of the OWTS. These items shall be installed in accordance with specifications available from the Wastewater Collection Superintendent. Center access tanks shall not be used for new septic systems or for systems where the septic tank is being replaced. Any tank in good condition, installed prior to the effective date of this ordinance and without an access riser to grade shall be retrofitted with riser(s) in accordance with specifications available from the Wastewater Collection Superintendent. The access riser(s) shall be installed no later than 30 days following the First Maintenance Inspection.

18-65.04 Watertight Septic Tanks: Per RIDEM regulations, any existing tank that leaks may be declared a failed system. All septic tanks installed after the effective date of this ordinance shall be certified watertight in accordance with American Society for Testing and Materials (ASTM) minimum standards or those developed by the Wastewater Collection Superintendent. Tank installation must be done in accordance with manufacturers requirements. In addition, all new or replacement tanks must be site tested to ensure that they are watertight. The accepted procedure(s) for site testing tanks as watertight shall be available from the Tiverton Wastewater Collection Superintendent.

18-65.05 Cesspools: According to RIDEM, cesspools are a sub-standard and inadequate means of on-site wastewater treatment. All cesspools shall be brought into conformance with current state and local standards within 12 months after the sale of a property. Cesspools within the Stafford Pond Watershed Protection District shall be brought into conformance as specified in the zoning ordinance.

18-65.06 Package Treatment Plants: At a minimum a Licensed Grade One Operator must operate all package treatment plants.

SEC. 18-66 ENFORCEMENT

18-66.01 Failure to Inspect, Repair, Pump or Maintain an OWTS: If an owner fails to inspect repair, pump or otherwise maintain an OWTS as specified in this ordinance within the timeframe provided under this ordinance and to submit proof of such to the Wastewater Collection Superintendent they shall be in non-compliance under this ordinance.

18-66.02 Notice of Noncompliance: If an owner of an OWTS is determined to be in non-compliance of this ordinance the Wastewater Collection Superintendent, or his/her designee, shall issue a written Notice of Non-Compliance via certified mail to the owner. The notice shall explain the nature of the noncompliance, required actions, any assistance that is available from the Wastewater Collection Superintendent a reasonable time frame for compliance, and the possible consequences for noncompliance.

18-66.03 Notice of Violation: If an owner of an OWTS fails to comply with the Notice of Non-Compliance, the owner shall be deemed in violation of this ordinance and the Wastewater Collection Superintendent shall issue a written Notice of Violation. The notice shall be sent certified mail and shall explain the nature of the violation, required actions and timeframe to remedy the violation, assistance available from the Wastewater Collection Superintendent, and the penalties for failure to correct the violation within the required timeframe.

18-66.04 Administrative Review Meeting: A person is encouraged to resolve issues at an informal administrative level before appealing a decision of the Wastewater Collection Superintendent. Any owner of an OWTS who receives a Notice of Non-Compliance or a Notice of Violation, or who is otherwise aggrieved by any action of the Town pursuant to this ordinance, shall have the right to an administrative conference with the Wastewater Collection Superintendent or his/her designee to determine how best to bring the system into compliance. In the case of a Notice of Non-Compliance or a Notice of Violation, an administrative meeting, if desired, shall be requested in writing within ten (10) days following the date of notice. A Request for an Administrative Conference shall stay all proceedings under the appeal procedure set forth in 18.67 of this ordinance. A written consent agreement signed by the Wastewater Collection Superintendent or his/her designee and the OWTS owner shall outline the specifics of any agreement developed as the result of the administrative meeting. Alternately, an owner who has received a Notice of Non-Compliance stating that they have not inspected or maintained their system as required may simply submit proof that such inspection or maintenance has been completed.

18-66.05 Penalties: Any person who fails to comply with a written Notice of Violation issued under the provisions of this ordinance shall be deemed to be in violation and may be fined not more than \$500 per violation. Each day of a continuing violation may be construed to constitute a separate and distinct violation. All fees/fines shall be paid to the Town for the administration and implementation of the OWMP. The Town of Tiverton shall maintain its right to legal and equitable remedies that may be available in order to enforce compliance with the provisions of this ordinance.

18-66.06 Failure to Pay: Failure to pay any fees, or fines assessed by the Town for the administration of the wastewater management district shall constitute a lien on the owner's property. In addition to the bill and any associated fines, the OWTS owner shall be responsible for any interest, administrative and court costs associated with the collection of the funds.

SECTION 18.67 APPEALS

18-67.01 Wastewater Management Commission: An aggrieved party shall have the right to appeal the decision of the Wastewater Collection Superintendent to the Tiverton Wastewater Management Commission by submitting a written request within ten (10) days after the notification of the action. The Written appeal shall be heard by the Wastewater Management Commission within 30 days from the date of the filing. The Wastewater Management Commission shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The Collection Superintendent's decision, action or determination shall remain in effect during such period or reconsideration. .

SEC. 18-68 FINANCING

18-68.01 Program Financing: The Town Council shall have the authority to raise funds for the administration, operation, contractual obligations, and services of the Onsite Wastewater Management Program (OWMP).

18-68.02 Fee Structure: The Wastewater Collection Superintendent and Town Administrator may propose a fee schedule, for approval by the Town Council as a Resolution, to be assessed each owner of an onsite wastewater treatment system. Said fee shall be based on the total number of OWTS in Town and the administrative and technical costs associated with providing the services herein. Any funds collected or raised for purposes of implementing the Onsite Wastewater Management Program shall be kept as a dedicated account separate from the Town's general fund.

18-68.03 Grant and Loan Program: The Town under the authority of the State Legislature shall have the authority to issue bonds or notes and to receive grants for the purpose of establishing a revolving fund. This fund may be used to make low interest loans or grants available to qualified property owners for the improvement, correction, or replacement of a failed OWTS. The Wastewater Collection Superintendent, with the approval of the Town Council, shall establish specific criteria to define eligibility for grants or loans.

SEC. 18-69 SEVERABILITY

If any provision of this ordinance or any rule or determination made hereunder, or application hereof to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this ordinance and its application to any person, agency, or circumstance shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of this ordinance.

SEC. 18-70 EFFECTIVE DATE

This ordinance shall take effect upon its passage.